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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,233	01/19/2000	Scott D. Cook	3878	2923

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/487,233	<b>Applicant(s)</b> COOK ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,10,19,26,33,36,38,39,45,46,65,66,71,87 and 88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,10,19,26,33,36,38,39,45,46,65,66,71,87 and 88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/10/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 5, 9, 11-18, 20-25, 27-32, 34-35, 37, 40-44, 47-64, 67-70, 72-86 and 89-101 are cancelled.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10, 19, 26, 33, 36, 38-39, 45-45, 65-66, 71, and 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (US Patent 4,823,264) in view of Thomas et al (hereinafter Thomas, US 6173,272), Buck, S. Peter, 1997 "From electronic money to electronic cash: payment on the Net", Logistics Information Management. Bradford: 1997.Vol.10, Iss. 6; pg. 289. Periodical ISSN/ISBN: 09576053; ProQuest document ID: 86066773 (hereinafter Peter) and Britto et al (hereinafter Britto – US 2005/0131816 A1).

Re. Claim 1, Deming discloses an electronic fund transfer (EFT) system and method for transferring funds from payer's account to Payee or to Payee's account using National Automated clearing House Association (ACH) facility, [see entire document particularly, Abstract; C3 L3-L12], and receiving from the sender an amount of a funds transfer, a designation of a source account for the funds transfer, and the host system providing a

first instruction to the host financial institution to cause the transfer of funds from the source account [C3 L3-L29; C3 L63 to C4 L11; C4 L30-L59].

Deming, does not explicitly disclose a host system operating on a conventional computer system and communicatively coupled to a host financial institution that is an automatic clearinghouse (ACH) member at which is maintained a host account,

receiving from the receiver the designation of the target account for receiving the funds from the sender,

contact information of the receiver sufficient for contacting the receiver, without receiving from the sender a designation of a target account of the receiver,

The host system providing a first instruction to the host financial institution; the host system providing a second instruction to the host financial institution to cause the transfer of the funds from the host account to the target account; Wherein any of the first instruction and the second instruction effects through an ACH network a number of ACH entities to transfer funds; wherein the sender is not required to have a previously established ACH originator relationship with an ACH member at which the sender's source account is maintained; and

wherein the receiver is not required to have a previously established ACH originator relationship with an ACH member at which the receiver's target account is maintained.

However, ACH is well known where electronic entries received the ACH from depository financial institutions (members) are processed for settlement. Thomas discloses receiving from the receiver the designation of the target account for receiving

the funds from the sender [Abstract; Figure 1, 2A, 3, 7; C3 L45 to C5 L34; C15 L1-L30]; the host system providing a first instruction to the host financial institution to cause the transfer of funds from the source account to host account (or account) [Figure 2A; C1 L60-L65];

the host system providing a second instruction to the host financial institution to cause the transfer of the funds from the host account to the target account [C6 L22-L23; C29 L33-L40; claim 26];

Wherein any of the first instruction and the second instruction effects through an ACH network a number of ACH entities to transfer funds [Figure 2 – the transfer path in a network can be through many point for example, bank to second bank, to Fed-Reserve, etc.];

wherein the sender is not required to have a previously established ACH originator relationship with an ACH member at which the sender's source account is maintained [C8 L35-L46; C22 L40-L52 – see CHIPS, NYACH]; and

wherein the receiver is not required to have a previously established ACH originator relationship with an ACH member at which the receiver's target account is maintained [C8 L35-L46; C22 L40-L52 – see CHIPS, NYACH] to enable the payor to initiate an electronic payment using host (external devices, banking system) system.

Britto discloses a computer-based fund transfer service [see paragraph or para. 0002-0004], and contact information of the receiver sufficient for contacting the receiver, without receiving from the sender a designation of a target account of the receiver [see Abstract; Figure 2; para. 0012-0013; 0028; 0032; 0040-0041] to facilitate web based

transfer of fund from financial institution member to a receiver with email address who is not a member of the financial institution in order to not only provide service to its existing customer but also get new customer who is non-registered member of the financial institution by adding its (financial institution's URL) and inviting the non-registered member to join as a member.

Peter disclose receiving from the receiver the designation of the target account for receiving the funds from the sender [see entire document (13 pages) particularly pages 2-7] to allow user to make payment over the internet and transfer funds between individuals. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Deming, Thomas, Britto and Peter to enable the payer to initiate a cost effective electronic fund transfer system using personal computer, internet, financial host computer to individual or bank, etc.

Re. Claims 2-3 Deming discloses wherein the designation of the source account includes a routing/transit number and an account number (payor's routing and transfer number - RTN) [C3 L15-L16] and wherein the designation of the source account includes a routing/transit number and an account number (payee's routing and transfer number - RTN) [C3 L33].

Re. Claims 4, 6-7, Deming disclose receiving the amount of the funds transfer (bill). Deming, explicitly, does not disclose receiving the amount of the funds transfer, the designation of the source account for the funds transfer, and the contact information of

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the receiver from the sender [C1 L5 to C3 L8]. Deming, explicitly, does not disclose the way the bill is received (i.e. by email, web page, etc.). However, Thomas further discloses these steps [C3 L14-L23]. Mail, Email, voice mail, voice over IP, on-line billing and pager are well known to one skill in the art as a common communication media used by the billers to communicate with customers, therefore one can combine the teaching of Doming, Thomas, Britto and Peter to present electronic bill information by electronic media, explained above, instead of regular mail to save time reduce cost.

Re. Claims 66, claim 66 is substantially similar to claim 1, therefor it is rejected with same rational as claim 1.

Re. Claims 8,10,19,26,33,36,38,39,45,46 and 65 Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, transaction amount, payer starts initiating EFT using PC and entering payee information (target information), identification code, description of transaction (bill identification), crediting the debiting accounts, means for verifying payers account code [Fig. 1; C1 L1 to C4 L67]. Thomas further discloses electronic funds transfer and bill presentment. Both Deming and Thomas substantially recite claims features. Deming, Thomas, Britto or Peter, explicitly, disclose continuing the funds transfer if the first account balance and second account balance match, and continuing the funds transfer if the check amount match. However, this is obvious that the bank transfers only if the

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sender account has money, if the balance is below of the amount of the sender's instruction (payment amount or check) the payment is done and this function is inherent part of the banking, and similarly auditing the amount is inherent function of banking to avoid wrong payment. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to include continuing the funds transfer if the first account balance and second account balance match, and continuing the funds transfer if the check amount match to properly and accurately transfer the funds to receiver.

Re. Claims 71 and 87-88, claims 71 and 87-8 are substantially similar to claims 1 and 66, therefore, Claims 71 and 87 are rejected under the same rational as claims 1 and 66.

### ***Response to Arguments***

2. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

*Harish T Dass*

4/3/2006